(1) (4)

IN THE HON'BLE HIGH COURT OF CHATTISGARH,BILASPUR

Civil Revision No. 03 /2006

Single Bench

APPLICANT (TENANT) : **Awadh Ram Bhonsale**, S/o Shri Anand Ram Bhonsale, aged about 35 years; occupation- Provision Store, R/o. "Anand Kirana Awam General Stores" Kasaridih Chowk, Durg, Tahsil & District Durg (C.G.)

P.R. No. 2/1/06
Presented by Shri MPS Bhatia
dated 04/1/06

Versus

RESPONDENT (LANDLORD) : **Sunder Lal Kaushal**, aged about 72 years, s/o. Late Shri Baiha Ram Kaushal, occupation- retired employee of Bhilai Steel Plant, Bhilai, R/o Kelabadi / Kasaridih, Durg, Tahsil & District Durg (C.G.)

CIVIL REVISION UNDER SECTION 23-E OF THE C.G. ACCOMODATION CONTROL ACT, 1961.

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R.No.03/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	9-1-2006 Mr. U.R.Koshaley, counsel for the applicant. Heard on admission and M.(C.)P.No.16/2006. Respondent/landlord, a retired employee of Bhilai Steel Plant claiming himself to be landlord under Section 23-J of the Chhattisgarh Accommodation Control Act (henceforth 'the Act') filed an application under Section 23-A of the Act for recovery of possession of the suit accommodation from tenant/applicant Awadh Ram Bhonsale. Awadh Ram Bhonsale filed an application under Section 23-C of the Act for grant of leave to defend and amongst other grounds also raised a ground that landlord who is a retired employee of Bhilai Steel Plant is not a landlord as defined under Section 23-J of the Act and he is not a retired Government Servant. Learned Rent Controlling Authority vide impugned order disallowed the ground that landlord is not covered under Section 23-J of the Act but on other ground allowed the application of tenant for defending the application filed by landlord under Section 23-A of the Act. Only contention raised by the applicant is that learned Authority erroneously disallowed his contention that landlord who is not a Government Servant is not covered under the definition of Section 23-J of the Act. Section 23-J(ii) of the Act reads as below : -	

GKPRJ—FS/78 —9/2000 —50,000.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

C.R.No. 03/06

मामला क्रमांक ..... सन् 200

—2—

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

S. 23-J : "Definition of landlord for the purposes of Chapter III-A – For the purposes of this Chapter 'landlord' means a landlord who is –

(i) xxxxx xxxxx xxxxx

(ii) a retired servant of a company owned or controlled either by the Central or State Government; or

(iii) xxxxx xxxxx xxxxx

(iv) xxxxx xxxxx xxxxx

(v) xxxxx xxxxx xxxx"

Undisputedly Bhilai Steel Plant is owned or controlled by the Central Government and respondent Sunder Lal Kaushal is retired employee of Bhilai Steel Plant. From bare reading of the above provision, it is manifest that a retired servant of a company owned or controlled either by the Central or State Government is a landlord for the purpose of Chapter III-A of the Act. Learned Rent Controlling Authority, Durg did not put any error by passing the impugned order, therefore, the impugned order does not call for any interference. The revision is liable to be dismissed summarily and is accordingly dismissed. M.(C.)P.No.16/2006 stands disposed of.

Sd/-
V.K. Shrivastava
Judge

G.Singh

13.1.06

[पीछे देखिये